

Court of Appeals, State of Michigan

ORDER

People of MI v Anthony Edward Ciavone

Docket No. 256187

LC No. 03-014160-01

Christopher M. Murray
Presiding Judge

Kurtis T. Wilder

Karen Fort Hood
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. This matter is REMANDED to the trial court for an evidentiary hearing and decision whether defendant appellant should be granted a new trial. The proceedings on remand are limited to the issues raised in the motion to remand.

The Court directs the trial court to appoint counsel to represent defendant appellant for the proceedings on remand and for the further prosecution of this appeal. The trial court shall appoint counsel within 14 days after the Clerk's certification of this order, appointed counsel shall file defendant appellant's motion for a new trial within 35 days after the Clerk's certification of this order, and the trial court shall hear and decide the matter within 42 days after the motion is filed.

Defendant appellant's appointed counsel shall file with this Court a copy of any motion and supporting brief filed in the trial court and copies of all orders entered on remand.

The trial court shall make findings of fact and a determination on the record and cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

The Court retains jurisdiction and the time for proceeding with the appeal in this Court shall begin to run upon issuance of an order in the trial court that disposes of the post-conviction proceedings. Defendant appellant's brief on appeal is due as provided under MCR 7.211(C)(1)(d). However, the time for proceeding with the appeal shall begin to run 35 days after the date this order is certified if the motion to initiate the post-conviction proceedings is not filed in the trial court within that 35-day period.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 13 2006
Date

Sandra Schultz Mengel
Chief Clerk